

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                         |               |                                      |
|-------------------------|---------------|--------------------------------------|
| THOMAS M. KELLEY,       | )             |                                      |
|                         | Plaintiff, )  |                                      |
|                         | )             |                                      |
| v.                      | )             | <u>Civil Action No. 05-10596-NMG</u> |
|                         | )             |                                      |
| TOWN OF PLYMOUTH, et al | )             |                                      |
|                         | Defendants. ) |                                      |

**PLAINTIFF'S MOTION FOR MEDIATION**

The Plaintiff, Thomas Kelley, moves individually and without assent of opposing counsel for the Court to order mediation of all outstanding discovery issues as well as Mediation of the dispute and claims set forth in Plaintiff's Complaint. The Plaintiff requests that Judge Magistrate Marianne Bowler be assigned as the mediator since she has already been involved in resolving other discovery disputes in this action.

The Plaintiff makes this request in view of the Motion by the Defendant to Extend all phases of the Tracking Order by Sixty Days. The Plaintiff believes that at the very least a mediation at this time will narrow the issues, resolve outstanding discovery issues and move the case closer to trial, if not settled.

The Plaintiff is in poor health and anything that can assist in expediting this matter will make it more likely the Plaintiff will be available for trial.

While Plaintiff has not assented to Defendant's Motion to Extend the Tracking Order, Plaintiff does not oppose said Motion, provided efforts can be made to resolve the

outstanding discovery disputes and finalize any outstanding scheduling of additional depositions.

The Plaintiff believes a non-binding mediation will not prejudice either side, but could resolve a number of issues and perhaps even result in a settlement of the entire matter.

Respectfully Submitted,  
The Plaintiff,  
by his attorneys,

/s/ Joseph R. Gallitano  
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